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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,087	12/10/2003	Robert A. Pasquale	09625/000M642-US0	7968
7278	7590	08/26/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	
DATE MAILED: 08/26/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/734,087

Applicant(s)

PASQUALE, ROBERT A

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/10/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

***Claim Objections***

Claims 1-34 are objected to because of the following informalities: the phrase, "A turret-type winder" should be --A turret winder--. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "effectively" in claims 1, 22 and 23 is a relative term which renders the claim indefinite. The term "effectively" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. To what degree does the winding roll has to be in order for "effectively" exclude the air prior to forming the roll.

Claims 9 and 25 are indefinite and vague. The phrase, "guided manner" is indefinite and vague. What constitutes guided manner?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3654

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-23 and 28-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Belongia et al., U.S. Patent No. 4971263.

With respect to claims 22-23 and 32, Belongia '263 teaches a turret winder (1) to connect webs of supply rolls without interruption of the web flow to the rewind apparatus by using a rotatable turret assembly having first and second winding roll cores (11, 11) positioned in a winding position and a transfer position (see figure 1); a pack roll assembly (15, 15') associated with each of the first and second cores (11, 11), the pack assembly includes one pack roll (14) that is movable into contact with the respective core with a winding roll (3) thereon to eliminate entrapment of air between the web layers (see column 5, lines 20-25); the turret (1) and pack roll assemblies (15, 15') being configured to permit a new winding roll to be rotated to the second location and the first location and vice-versa, see figure 1.

With respect to claims 28-29, Belongia '263 teaches a pack roll positioning assembly for controllably driving the carriage (33) along the pack roll support assembly, the pack roll positioning assembly including a drive screw mechanism to move the carriage and communicate with respect to the roll, see figures 1 and 3.

With respect to claims 30 and 33, Belongia '263 teaches the motion of the pack roll (14) relative to the spindle (i.e., near 11) and the pack roll support assembly are independent from the carriage, since the carriage and the core have its own drive feature, see figure 1.

With respect to claims 31 and 34, Belongia '263 teaches the pack roll (14) at a tangential point of entry with respect to the winding roll (3), see figure 3.

***Allowable Subject Matter***

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-21 and 24-27 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The claims are patentable over the prior art of record because the teachings of the references taken as a whole do not show or render obvious the combination set forth in claim 1, including the first and second spindle support assemblies that are movable along respective guide tracks that are disposed outside of the first and second rotatable end support members and the pack roll support assemblies that are disposed concentric with and rotatable about the spindle bearing housings with each having a carriage which travels along a length thereof, the carriage rotatably carrying one pack roll that is pivotably movable into contact with the winding roll. The prior art U.S. Patent '263 shows the pack roll support assemblies including a carriage having a pack roll, but fails to teach the first and second spindles support assemblies that are movable along respective guide tracks and the pack roll support assemblies are concentric with and rotatable about the spindle bearing housings with the carriage having the pack roll that

Art Unit: 3654

can pivot and contact the winding roll. The prior art U.S. Patent '141 shows the pack roll support assemblies with a pack roll that can pivot, but fails to teach the first and second spindles support assemblies that are movable along respective guide tracks and the pack roll support assemblies are concentric with and rotatable about the spindle bearing housings with the carriage having the pack roll that can pivot and contact the winding roll. The prior art taken as a whole fails to disclose or render obvious the presently claimed invention.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3654

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

8/10/05

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